IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 8986 of 2005

Between:

1 Sivarathri Mastan Rao S/o.Subba Rao
R/o.D.No.10-4-52, Vaddera bazar, Narasaraopet, Guntur Distri
2 S.Rama Rao S/o.Kotaiah
R/o.D.No.10-5-29,Arandalapeta, Narasaraopet, Guntur Distri
3 K.Bala Koteswar Rao S/o.Kotaiah
R/o.D.No.6/226, Vaddepeta, Markapur, Prakasam District.

..... PETITIONERS

AND

1 Narasaraopeta Municipality rep. by its Commissioner, Narasaraopet
Guntur District.
2 The Municipal Engineer Narsaraopet Municipality, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the1st respondent in not giving tender schedule to the petitioners society at free of cost and in not reserving at least 15% of the works mentioned in the tender notice issued by the 1st respondent inRoc.No.477/2005/E1 Dt.1.4.2005 is illegal, arbitrary and consequently direct the respondents to issue tender schedule at free of cost and without insisting E.M.D. and Labour Licence issued by the Labour Dept., for the works in the tender notification.

Counsel for the Petitioners: MR.U.RAMANJANEYULU

Counsel for the Respondents: MR.S.NAGESWARA REDDY

The Court at the stage of admission made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.8986 OF 2005

ORDER :

This writ petition is filed aggrieved by the alleged action of the respondents in not issuing the tender schedules to the petitioners free of cost and without insisting on earnest money deposit and labour licence issued by the Labour Department for the works under the tender notification dated 1-4-2005.

The writ petitioners 1 to 3 claim to be the Presidents of Vaddera Co-operative Labour Contract Society, Kanakadurga Vaddera Co-operative Labour Contrary Society and Labour Contract Co-operative Society Limited respectively. It is stated that the said societies are formed by persons belonging to SC, ST & Vaddera Communities and they are registered strictly adhering to the requirements enumerated in G.O.Ms.No.581, M.A., dated 6-11-1996. It is alleged that in pursuance of the tender notice dated 1-4-2005 issued by the 1st respondent Municipality,

though the petitioners approached the respondents requesting to issue the tender schedules free of cost and not to insist on payment of earnest money deposit, the respondents refused to accept the same. Hence, this writ petition.

The learned Counsel for the petitioners submits that as per the Government Orders in G.O.Ms.No.269, dated 7-4-1998 and Memorandum No.2054/J1/83-2, M.A., dated 7-10-1983, the petitioner societies are exempted from payment of earnest money deposit and that they are also entitled for supply of tender schedules free of cost.

The learned Sanding Counsel appearing for the respondent Municipality does not dispute the same, but submits that it is necessary for the petitioner Societies to make proper applications furnishing the details of the formation of their societies and other details.

Accordingly, the Writ Petition is disposed of with a direction to the respondents to issue the tender schedules to the petitioners free of cost and without insisting on payment of earnest money deposit in respect of the tender notice dated 1-4-2005. However, it is necessary for the petitioners to furnish the details of the formation of their societies, list of their members and other details together with the evidence in support thereof while seeking tender schedules. On such applications, the respondent Municipality shall verify the material furnished and if it is found that the societies are formed as per the modalities specified under G.O.Ms.No.581, dated 6-11-1996 as amended in G.O.Ms.No.251, dated 28-5-2002, shall issue tender schedules free of cost and shall grant exemption from payment of earnest money deposit. No costs.

_____

21st April, 2005.

gbs

-

To

1 The Commissioner, Narasaraopeta Municipality, Narasaraopet.
Guntur District.
2 The Municipal Engineer Narsaraopet Municipality, Guntur District.

3 Two C.D. copies.